

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR REGULAR CITY COUNCIL MEETING

March 27, 2007
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Fire Chaplain Ed Sinke
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. ORO TEMPLE & ORO COURTS POTENTATE AND COMMANDRESS CELEBRATION**
- 2. MENTAL RETARDATION & DEVELOPMENTAL DISABILITIES FOCUS**
- 3. MS. DANA BOYD "TEXAS TEACHER OF THE YEAR" DAY**
- 4. NATIONAL PROFESSIONAL SOCIAL WORK MONTH 2007**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA**1. APPROVAL OF MINUTES:**

Approval of Minutes for the Regular City Council Meeting of March 20, 2007, and the Special City Council Meeting of March 20, 2007 (El Paso Science Museum - Insights).
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**3. RESOLUTIONS:**

3A. Resolution authorizing the public purpose for the expenditure of two hundred dollars (\$200.00) from District 3 discretionary funds to the El Paso County Juvenile Probation Department to assist with the "National and Global Youth Service Day" promotion and neighborhood clean-up at Ascarate Park.
[Representative Jose Alexandro Lozano, (915) 541-4515]

3B. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

9203 Santa Rosalia Court	\$28,097.13	District 6
Francisco Manuel Trueba		
[Development Services, William Stern, (915) 541-4800] POSTPONED FROM 03-20-07		

3C. Approve an Interlocal Agreement and Resolution authorizing the City Of El Paso to participate in the Region 4 Education Service Center and The Cooperative Purchasing Network (TCPN). **(All Districts)**
[Financial Services, Terrence Freiburg, (915) 541-4313]

3D. That the El Paso City Council approve submission of the Victim Services Response Team grant application to the Office of the Governor, Criminal Justice Division, and that the City Manager be authorized to sign grant related documents including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant in the amount of \$99,076.16 with a cash match requirement of \$25,112.32 and an in-kind match of \$66,542.00 for a grand total of \$190,730.48. **(All Districts)**
[Police Department, Paul Cross, (915) 564-7310]

4. BOARD APPOINTMENT:

Trinidad B. Acosta to the Foster Grandparent Program Advisory Council by Representative Beto O'Rourke, District 8.

[Representative Beto O'Rourke, (915) 541-4268]

5. APPLICATIONS FOR TAX REFUND:

That the tax refunds listed on the attachment posted with this agenda be approved.

(See attachment A) **(All Districts)** [Tax Office, Juan Sandoval, (915) 541-4369]

6. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

6A. BT2007-655 AIRPORT

This budget transfer is to set up the appropriations associated with the cost of the Pavement Management Study Project. **(District 2)**

Increase \$400,000 to Fund Balance Transfer

Increase \$400,000 to Construction

[Office of Management and Budget, David Almonte, (915) 541-4011]

[Airport, Patrick T. Abeln, (915) 780-4724]

6B. BT2007-656 AIRPORT

This budget transfer is to set up the appropriations associated with the cost of the Air Cargo #2 Roofing Project. **(District 3)**

Increase \$213,000 to Fund Balance Transfer

Increase \$213,000 to Construction

[Office of Management and Budget, David Almonte, (915) 541-4011]

[Airport, Patrick T. Abeln, (915) 780-4724]

REGULAR AGENDA - INTRODUCTIONS

7. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the introduction of ordinances.

Public comments are invited at the date of the scheduled public hearing.

7A. An Ordinance amending Title 10 (Public Peace, Morals, and Welfare), Chapter 10.24 (Miscellaneous Offenses) adding Section 10.24.040 (Sex Offender Residency Regulation) of the El Paso City Code to create restrictions on sex offenders' residency to prohibit certain sex offenders from residing within 1,000 feet of where children commonly gather; providing for definitions and affirmative defenses; providing for injunctions; the penalty being as provided in Section 1.08.010 to 1.08.030 of the El Paso Municipal Code. **(All Districts)**

[Representative Ann Morgan Lilly, (915) 541-4151]

7B. An Ordinance granting a Special Privilege to the Annunciation House, Inc. to temporarily close a portion of San Antonio Avenue from Florence Street to Hills Street; Olive Avenue from San Antonio Avenue to Tays Street; Overland Avenue from Virginia Street to Hills Street; Virginia Street from Magoffin Avenue to San

Antonio Avenue; and St. Vrain Street from Magoffin Avenue to Paisano Drive on April 14, 2007, for an "Open-Air Mass". (Fee: \$137.50). SPL07-00003. **(District 8)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 7C.** An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.090 (Bonus Reductions for Recreational Improvements) amending Subsection 19.12.090A. (Bonus Reduction Applicability) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within single-family and two-family development. The penalty being as provided in Section 19.04.190 of the El Paso City Code. **(All Districts)**
[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

PUBLIC HEARING WILL BE HELD ON APRIL 10, 2007, FOR ITEMS 7A – 7C

- 7D.** An Ordinance changing the zoning of Lots 6-9, Block 7, Eastwood Section 1, City of El Paso, El Paso County, Texas, from R-3 (Residential) to C-1 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 7922, 7918, 7914 Boxwood Circle and 7900 Bois D' Arc Drive. Applicant: El Paso Healthcare System, LTD. ZON06-00138 **(District 7)**
[Development Services/Planning, Melissa Granado, (915) 541-4730]
- 7E.** An Ordinance changing the zoning of Tract 8B1, Block 11, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. ZON06-00154. **(District 1)**
[Development Services/Planning, Arlan Greer, (915) 541-4322]

PUBLIC HEARING WILL BE HELD ON APRIL 17, 2007, FOR ITEMS 7D – 7E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8:00 a.m. to 5:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

8. PUBLIC HEARINGS – DEVELOPMENT SERVICES

- 8A.** An Ordinance changing the zoning of the following real property described as: Parcel 1: a portion of Tract 2B2, Section 45, and a portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3A (Residential); Parcel 2: a portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential); Parcel 3: a portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to A-O (Apartment/Office); Parcel 4: a portion of Tract 2B2, Section 45, and a portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso,

El Paso County, Texas, from R-F (Ranch and Farm) to C-3 (Commercial) and imposing conditions; Parcel 5: a portion of Tract 1, Section 46, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Zaragoza Road and Tierra Este Road. Applicant: GFA, LLC. ZON06-00139. **(District 5)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 8B.** An Ordinance changing the zoning of the following real property described as: Parcel 1: Lot 2, Block 5, Camelot Heights Unit 2, City of El Paso, El Paso County, Texas, from A-3/O/SC (Apartment/Office High Density/Special Contract) to R-3A/SC (Residential/Special Contract); and Parcel 2: Lot 2, Block 6, Camelot Heights Unit 2, City of El Paso, El Paso County, Texas, from A-O/SC (Apartment/Office/Special Contract) to R-3A/SC (Residential/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Mesa Street and North of Ridgecrest Drive. Applicant: Camelot Point, LLC. ZON06-00158. **(District 1)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

9. PUBLIC HEARING – MAYOR AND COUNCIL:

An Ordinance limiting the use of the Power of Eminent Domain on non-blighted private property in the redevelopment districts of the Downtown 2015 Plan. **(District 8)**
[Representative Melina Castro, (915) 541-4400]

10. PUBLIC HEARINGS – ENGINEERING:

- 10A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), of the El Paso City Code to revise Zone A(2): No Parking, Seven A.M. to Six P.M. Monday through Friday, to amend an additional area bounded by West Yandell Drive, Fewel Street, Mundy Drive, Lawton Drive, Missouri Avenue, Porfirio Diaz Street, Main Street, and Fern Way. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code. **(District 8)**
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]
- 10B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.041 (Schedule IV(A) - Parking Prohibited During Certain Hours, School Days Only), Paragraph A, (No Parking 7:00 A.M. to 4:00 P.M.) of the El Paso City Code by adding Anise Drive between Lee Trevino Drive and Montwood Drive, west side only. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso City Code. **(District 5)**
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

REGULAR AGENDA – OTHER BUSINESS

11. MAYOR AND COUNCIL:

- 11A.** Discussion and action affirming the actions by the Mayor and the City Attorney to seek legislation to amend Article 6243b, Vernon's Civil Statutes, to eliminate the

automatic membership of the fire and police chiefs to the eleven member El Paso Fire and Police Pension Fund Board and to add two appointees designated by the City Manager; to give the City Council and/or the citizens a say over benefit changes; and to provide a permissive mechanism for ensuring the future proper funding of the Plan.

[City Attorney's Office, Charlie McNabb, (915) 541-4550] POSTPONED FROM 03-13-07

- 11B.** Discussion and action on the signing of an Agreement on Cross Border Communication and Emergency Response strategies for the communities of Ciudad Juarez, Chihuahua, Mexico, the City of El Paso, Texas, United States, and the City of Sunland Park, New Mexico, United States.

[Mayor John F. Cook, (915) 541-4145] POSTPONED FROM 03-20-07

- 11C.** Discussion and action on changing Title 9 to allow qualified senior citizens and disabled citizens to receive BOTH Solid Waste assistance in bringing trash to the curbside AND the Senior and Disabled Discount.

[Representative Susie Byrd, (915) 541-4416]

- 11D.** Discussion for safety measures that can be taken to protect pedestrians on North Mesa near the Cincinnati Street intersection. Discuss all safety efforts to better protect pedestrians. [Representative Ann Morgan Lilly, (915) 541-4151]

12. ECONOMIC DEVELOPMENT:

Discussion and action that the City Manager be authorized to sign a Personal Services Contract by and between the City of El Paso and Morris Pittle for the development, management, oversight, and launch of a brand identity campaign for the City of El Paso. The term of this Personal Services Contract shall be for the period of one year with 2 one-year options to extend. **(All Districts)**

[City Manager, Joyce Wilson, (915) 541-4844] [Economic Development, Kathryn Dodson, (915) 541-4670]

13. FINANCIAL SERVICES:

BID:

Discussion and action on the award of Solicitation No. 2007-115 (Proprietary Parts & Service-Ford Motor Company) to Casa Ford Lincoln Mercury for a total estimated award of \$750,000.00.

Department:	General Services-Fleet
Award to:	Casa Ford Lincoln Mercury
	El Paso, Texas
Items:	Part A, #1 and Part B
Account No.:	37370510 – 503121 – 503125 - 45202
Funding Source:	General Services-Fleet Division Internal Service Fund
Total Estimated Award:	\$750,000.00
Districts:	All

This is a requirements type contract with an initial term of thirty-six months.

The Departments of Financial Services and General Services-Fleet Division recommend award as indicated to the lowest responsive, responsible bidder. [Financial Services, Terrence Freiburg, (915) 541-4313]

14. PARKS AND RECREATION:

Discussion and action that the City Manager be authorized to send a letter on behalf of the El Paso City Council to be addressed and delivered to the United States Department of the Interior Bureau of Reclamation, Albuquerque Area Office, expressing the City of El Paso's desire that the "Rio Bosque Alternative" be incorporated into the Environmental Assessment and selected as the Preferred Alternative for the proposed "El Paso County Riverside Canal and Structure Improvement Project." **(All Districts)**

[Parks and Recreation, Norman C. Merrifield, (915) 541-4910] POSTPONED FROM 03-20-07

15. ZOO:

Discussion and action on the Zoo Director's report on recommendations regarding the El Paso Zoo elephant program. **(All Districts)** [El Paso Zoo, Steve Marshall, (915) 521-1855]

16. CITY MANAGER:

16A. Discussion and action regarding the termination of the Memorandum of Agreement dated October 12, 1999, between the City of El Paso and the El Paso Empowerment Zone Corporation. [City Manager, Joyce Wilson, (915) 541-4844]

16B. Discussion and action that the City Council authorizes the establishment of the El Paso Youth Council and directs the City Manager or a designee to take any steps necessary to effectuate the recruitment, activities, and management of the El Paso Youth Leadership Council. **(All Districts)**

[Quality of Life Services, Deborah Hamlyn, (915) 541-4686] POSTPONED FROM 03-20-07

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. Discussion of the legal issues relating to the Sexually Oriented Business Ordinance. (551.071). [City Attorney's Office, Laura P. Gordon, (915) 541-4550]

EX2. Discussion and action on the lease agreement between the City of El Paso and the El Paso Science Museum - Insights. (551.071) and (551.072).

[City Attorney's Office, Theresa Cullen-Garney, (915) 541-4550]

EX3. Desert Adapt vs. City of El Paso; Cause No. EP-06-CV-292-DB. (551.071).
[City Attorney's Office, John L. Anderson, (915) 541-4550]

EX4. Melina Castro vs. Charlie McNabb. (551.071).
[City Attorney's Office, Laura Gordon, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>